IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America,	)	Criminal No. 4:12-745-RBH
	)	
	)	
vs.	)	**O R D E R**
	)	
	)	
Eric Virgil Richardson, Jr.	)	
	)	

This matter is before the court on the defendant's pro se motion, filed on March 3, 2014, to reduce his sentence. The defendant appears to allege that he requested the Bureau of Prisons (BOP) to reduce his sentence but that the BOP has not done so. He also appears to assert that the BOP has, by failing to act, become estopped to oppose it.

This court previously sentenced the defendant on June 25, 2013 to a term of imprisonment of eighty-four (84) months, and the judgment was entered accordingly on July 2, 2013. No appeal was taken.

In the present motion, the defendant references 18 U.S.C. § 3582(c)(1)(A)(iI) and (c)(1)(B).

Pursuant to 18 U.S.C. § 3582(b), a judgment of conviction that includes a sentence of imprisonment is generally considered a final judgment for all purposes. There are, however, very limited circumstances set forth in 18 U.S.C. § 3582(c), which allow a court to modify a term of imprisonment. Those limited circumstances only allow a court to modify a term of imprisonment if: (1) there is a motion by the Director of the Bureau of Prisons and (a) the court finds that extraordinary and compelling reasons warrant a reduction, or (b) the defendant is at least 70 years of age and has served 30 years in prison; (2) pursuant to Rule 35 of the Federal Rules of Criminal Procedure; or (3) the defendant has been sentenced based on a sentence range that has been subsequently lowered by the Sentencing Commission. See 18 U.S.C. § 3582(c).

In this case, the Director of the Bureau of Prisons has not filed any motions; nor can the defendant require them to do so. Likewise, Rule 35 allows for correction of sentence if: (1) the sentence was imposed in violation of the law; or (2) upon motion of the government. The government has not filed a motion, and the court finds that the sentence was not in violation of the law. Furthermore, the defendant's sentencing range has not been lowered by the Sentencing Commission.

For the reasons stated above, the court finds that the defendant has not set forth a sufficient basis to warrant a modification or reduction in his sentence, and therefore, the motion [Entry #345] is hereby **DENIED**.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

March 10, 2014
Florence, South Carolina